

PRESS RELEASE

For immediate release: Wednesday, April 14, 2010
Contact: Karen Schambach (PEER): 530-333-2545 or
Lisa Belenky:

State Water Board Declines Review of Rubicon Cleanup Order

Sacramento - The Forest Service suffered a major setback in its effort to dodge liability for pollution of Sierra lakes and streams resulting from use and abuse of the infamous Rubicon Trail, when the State Water Resources Control Board refused to review a Regional Water Board's Cleanup and Abatement Order for the trail.

The Central Valley Regional Water Quality Control Board issued the Cleanup and Abatement order jointly to Eldorado County and Eldorado National Forest last April, after neither agency would act to stop the damage being caused by extreme off-road vehicle use on the historic trail. Other users of the area, which is adjacent to Desolation Wilderness, were appalled by the damage being done to the fragile high alpine lands and lakes. The County had spent \$400,000 provided by California State Parks State Park grants on a management plan, but dropped the plan when some in the off-road community complained. The State has said it will not ask for the county to return the \$400,000, despite its budget woes.

Local residents who had served several years on the County's Rubicon Oversight Committee, only to see every effort at responsible management thwarted by the powerful off-road lobby, then complained to the Central Valley Regional Water Board, which, after thoroughly investigating the complaints, issued the Cleanup and Abatement Order. Public Employees for Environmental Responsibility's California Field Director Karen Schambach praised the State Water Board's decision. "This moves us a little further toward getting the Forest Service to take responsibility for the damage."

The Forest Service had asserted it was not liable for damage caused by the trail, which runs through the Eldorado National Forest, because it is an "unmaintained county road." They also contended the Regional Water Board did not have jurisdiction to hold the Forest Service accountable for compliance with the State Water Code. The State Water Board's letter dated April 13, said simply that the Forest Service petition "failed to raise any substantial issues that are appropriate for review..."

The Forest Service has 30 days in which they may seek to have the CAO overturned by a court.

[Link to CVRWQCB 2009 CAO:](#)

[Link to State Water Board Letter](#)